

**BOROUGH OF WASHINGTON, WARREN COUNTY, NEW JERSEY  
WASHINGTON BOROUGH COUNCIL MINUTES – FEBRUARY 6, 2008**

The Regular Meeting of the Borough Council of Washington, Warren County, New Jersey was held in the Council Chambers of Borough Hall at 7:30 P.M.

Roll Call: Housel, Higgins, Woykowski, Cioni, Oakley, Van Deursen, Turner – Present

Also Present: John Corica, Borough Manager  
Richard Cushing, Esq. Municipal Attorney  
Kristine Blanchard, RMC Borough Clerk

Mayor Van Deursen led everyone in the flag salute.

Mayor Van Deursen read the following Statement into the Record:

“The requirements of the ‘Open Public Meetings Law, 1975, Chapter 231 have been satisfied in that adequate notice of this meeting has been published in the Star Gazette and posted on the Bulletin Board of Borough Hall stating the time, place and purpose of the meeting as required by law.

Motion made by Cioni, seconded by Housel to enter Executive Session.

Councilman Higgins excused himself from Executive Session.

Ayes: 7  
Nays: 0  
Motion Carried

Motion to exit Executive Session and re-enter Open Public Session made by Housel, seconded by Turner.

Ayes: 6  
Nays: 0  
Motion Carried

**COUNCIL APPEARANCE**

None

**MINUTES:**

Mayor Van Deursen entertained additions or corrections to the minutes of the Regular Meeting of January 15, 2008 and the Executive Session of January 15, 2008.

Hearing no comments it was moved by Higgins, seconded by Turner that the minutes of January 15, 2008 approved.

Roll Call: Housel, Higgins, Turner, Woykowski, Oakley, Cioni, Van Deursen.

Ayes: 7

Nays: 0

Motion Carried.

**COMMUNICATIONS:**

The following communications were entered into the Record:

1. NJLM Re: Important Information from DLGS
2. NJLM Re: Proposed Revisions to Wrongful Death Act
3. NJLM Re: Smart Future Planning Grant
4. NJLM Re: Coastal Management Rules Hearing
5. NJLM Re: Information from the DLGS
6. NJLM Re: League's Shared Services Board
7. DLGS Re: Attorney General Directive Immigration and State and Local Law Enforcement
8. NJLM Re: Home Ownership Preservation
9. NJLM Re: Municipal Library Over-Funding Relief Bill
10. NJLM Re: Dual Elective Office Holding
11. NJLM Re: State Financial Restructuring
12. NJLM Re: Specificity Required for Proper OPRA Request
13. NJLM Re: Use Your League

Mayor Van Deursen entertained a motion to acknowledge, receive and file the communications.

It was moved by Turner, seconded by Cioni that the communications be acknowledged, received and filed.

Ayes: 7, Nays: 0.

Motion carried.

Mayor Van Deursen shared with Council and additional communication she received regarding a New Jersey Transit meeting taking place in Phillipsburg. Council agreed that this meeting will be worthwhile to attend. Mayor Van Deursen and Manager Corica will attend on behalf of the Borough.

**AUDIENCE:**

**Ed Little 80 South Lincoln Avenue**

Mr. Little stated he is approaching Council to discuss a safety issue. He stated he continues to be upset by the cars and trucks using the cut through to get to Rt. 31. It creates a dangerous situation; and his personal car is usually hit at least twice a year. Councilman Housel stated he thought the Borough had sent a letter some time ago to Norfolk Suffern regarding the cut through. Manager Corica stated he has not heard back from Norfolk as of yet. Mayor Van Deursen stated the Streets Committee should meet with the Manager and make a recommendation on how to resolve the issue.

At this time Mayor Van Deursen deviated from the agenda to address the new business item: Proposed Recreation Commission changes.

Mayor Van Deursen stated there is a draft ordinance before Council this evening. The Governing Body would like input from the Recreation Commission while Council is considering the ordinance. She stated that the Governing Body is not voting on the ordinance this evening. Mayor Van Deursen explained that the proposal of hiring a Recreation Director has been discussed in the past and Council would like to continue looking at this possibility.

Councilwoman Woykowski read from a prepared statement. The statement is as follows: Over the last few years the community has made it clear to us that they expect changes in the way we do things. As you all know, we have made changes and we are planning to make more changes in order to keep up with the social and economic challenges of our times. Some of the changes we were planning, initially met with opposition and skepticism, but once the changes were implemented, I am pleased to say, they have met with the approval of the community at large.

It requires a great deal of planning, in order to effectuate a positive change. It requires community involvement and community buy-in. For that purpose, it is our duty to offer detailed information, so there is a clear understanding of the reasons, the purpose and the expected results.

The planning for the changes within the area of Recreation started approximately 2 ½ years ago. In the summer of 2006 we created a recreation committee, consisting of the then manager, the mayor, the then vice chair of the recreation department Dawn Higgins and myself; we visited several municipalities with successful recreation departments. They had advisory committees. In

Hackettstown they have a commission in name, but their function is strictly advisory to the director. All three of these municipalities had full time directors, we tried to do the same, but at that time we could not afford to hire a full-time director and we were forced to put those changes on hold.

As time went on and the mayor, council and manager continued to work on other changes we came to realize that we had a mandate to change our recreation operations in the borough, whether we could afford a full time director or not and that this position had to come under the auspices of the borough manager, who in turn answers to the mayor and council.

- **Financial Program.** In January the manager presented a new financial program to the mayor and council. The automated capabilities of this program eliminate a number of errors that were possible with the old program and at the same time, will help us save on human resources, which will be reallocated in a more efficient manner. The Edmunds program is expected to be implemented within weeks. The most exciting part is that this program will allow us to add more modules in the future and will adequately serve our needs in all our operations, including recreation.
- **Road department.** On our field trips to the various municipalities we found that the road departments were responsible for all the maintenance of the grounds and fields and this was being handled through a work order system handled through the respective municipality. We are hoping to follow this example in the near future, but in order to be able to do that, the road department and recreation department must be brought to a common denominator as departments of the borough.
- **Shared Services.** The community supports and encourages our beginning efforts in this area. We are engaging in planning meetings with other municipalities, especially Washington Township, and in the future we are planning to reach out to our schools and other agencies, at a local, county and even state level (e.g. Highlands Council). These efforts are geared to generate savings, while providing the same or preferably higher quality services to our residents. Shared services efforts are supported by the state through a number of various grant opportunities. We are exploring each and every possibility and it makes it cumbersome, if not impossible to include our recreation services in the bargaining process in the format we have now.
- **Senior Services.** We all know the senior population is growing at a rapid pace, by the year 2030 one in every five Americans will be over the age of 65. We must factor this into our planning activities; many municipalities are ahead of us and many activities and services are integrated within their recreation departments. We don't have any time to waste, we must do the same.
- **Redevelopment.** The New Jersey Planning Community recognizes today, that the planning approaches of the past have their drawbacks, namely each municipality trying to deal with their own problems and that a regional approach is necessary. I quote from our case study prepared by the Resource Team at the Mayor's Institute in Princeton last September.

*Redevelopment planning is often done in a vacuum, without reference to how the specific project under discussion will contribute to the broader public objectives.*

The same holds true for the borough. We have to adopt a holistic approach in the planning of service delivery, creating and maintaining recreation areas and facilities; these areas and facilities must become an integral part of our redevelopment efforts. We believe the new Recreation Committee is a more up-to-date and redevelopment friendly format.

- **Director Vacancy.** We are in need of a new recreation director right now; it is the perfect timing to analyze and adjust the job description to fit the new needs that are developing in our community. The position will continue to be a part time position, as we continue to perfect future plans with the help and input of the members of the existing recreation commissioners in their new capacity of advisory committee to the mayor and council.
- **Volunteerism.** From time to time we have experienced vacancies on the commission; this is a national trend, volunteerism is on the decline. Having a recreational department with a director directly under the auspices of the borough manager will help us better meet this challenge in the future.

At this time Mayor Van Deursen reviewed the proposed ordinance and recommended the following changes:

The newly created Recreation Committee would offer advice to the Governing Body, Borough Manager and Recreation Director. Include program development, program administration and organization, and service development to the list of Recreation Director duties. The Recreation Chairperson or designee should sit on the Redevelopment Committee. Sports activities and programs will be coordinated by a Recreation Committee member. A chair and co chair of the Recreation Committee should be added.

Councilwoman Woykowski recommended that the Recreation Chair or Director should be able to offer guidance on parks and pathway designs and implementation. Additionally, they should be a catalyst for volunteers and promote the Borough parks.

The duties of the Recreation Director should also include: attend all meetings of the Recreation Committee, work with the committee to organize the recreation activities, respond to considers advice from the committee, and grant writing.

### **Recreation Chairwoman Dawn Higgins**

Ms. Higgins asked Council why they chose to look at this restructure of the Recreation Commission now. Why is Council considering abolishing the Recreation Commission after one meeting?

Mayor Van Deursen explained that Council wants to take a fresh look at the Recreation program during the budget sessions. Hiring a Recreation Director will alleviate the financial burden and responsibilities from the Recreation Commission. In order to accomplish this, the commission would need to be changed to an advisory committee. The Borough Manager was directed to draft an Ordinance for Council to review.

Mayor Van Deursen also stated that she believes all employees should report to the Borough Manager. She does not want any recreation program to suffer. The Borough is not throwing volunteers out, no program will suffer, and Council is not raising fees to produce revenues.

Ms. Higgins noted that the previous Recreation Director did not have seven people to report to at the pool. The Recreation Commission appointed a pool liaison to oversee daily operations.

**Betty Sing 23 Carlton Avenue**

Ms. Sing stated, as a previous member of recreation she sees numerous issues with this. She feels this Ordinance is over power and control. It seems to her that the decision of Council has already been made. She is concerned that the money appropriated for recreation will end up in the general budget. She does not feel there is a correlation between shared services, redevelopment, and recreation.

**Beth Uporski 281 Wyoming Avenue**

Ms. Uporski informed Council that she is a past member of the Recreation Commission, a long time coach, and President of the Warren County Recreation League. She stated that she deals with many communities who incorporate their sports programs into the municipality with a paid Recreation Director. She feels that it is more organized, equitable, and the participation is much higher. It is a lot easier to communicate with these types of towns as it cuts through a lot of the red tape.

Not having a hired professional; there are many issues that can come up that could open us up to legal trouble. We do not inspect other fields. There is much more we could do with a paid professional. She also pointed out they we should be monitoring and certifying all coaches, by doing these things, the Borough will be less exposed.

**Josh Kresser 92 Carlton Avenue**

Mr. Kresser stated he is also concerned with the financial side of this. He feels the Recreation Commission has had to fight for every penny for the children and he does not want to see that sacrificed. He is also concerned over the fact that the Borough does not have one regulation soccer field.

Mayor Van Deursen explained Council has always worked hard at giving money to the Recreation programs. Vara field is scheduled for sod as soon as spring arrives at the expense of the developer. The Recreation Commission worked hard for that as well.

**Don Eller – 44 West Church**

Mr. Eller stated as a citizen and a coach he is disappointed that Recreation was not involved in the discussions over adopting this Ordinance; however he does realize that this is a business decision and agrees with several of the points made this evening.

**Pete Jacobson 173 Broad Street**

He stated his main concern is over the fees for the recreation programs. He does not want to see the fees raised.

**Bobby Cammarotta 47 Alvin Sloan**

Mr. Cammarotta stated that volunteerism is down because of what Council is trying to do. He asked if the Recreation Commission went over budget last year.

Ms. Higgins stated that the Recreation Commission was over budget last year due to the Borough's Finance Office being three months behind on the financials. The Recreation Commission is not irresponsible with money.

**Councilman David Higgins 113 Harding Drive**

Councilman Higgins stated that there was never a discussion on this at the previous budget meeting. Councilman Higgins also stated that he believes that all of Council knew that this was going to be discussed with the exception of him.

Councilwoman Oakley stated that this has been discussed several times over the course of the last several years.

Councilman Cioni commented that he agrees with the adoption of this Ordinance. The Park Director should report directly to the Borough Manager. Volunteers should not have the ability of directing employees. He also would like to see the park director go after grant money for the recreation programs

**ODINANCES:**

None

**REPORTS:**

It was moved by Housel, seconded by Turner that the that the Council acknowledge, receive and file the Municipal Court Report/Overtime Report – December 2007, Police Monthly Report, Borough Clerk's Report January 2008, Collector Treasurer Report December 2007, Zoning / Code Enforcement Report 2008, Issues / Details Report, Treasurer Report – Recreation Commission December 2007.

Roll Call: Housel, Higgins, Oakley, Cioni, Van Deursen, Turner and Woykowski.

Ayes: 7, Nays: 0

Motion Carried.

**COMMITTEE REPORTS:**

**Redevelopment Committee:**

**DPW Garage:**

**Sewer Committee:**

**Streets Committee:**

**Finance Committee:**

**Shared Services Committee:** A meeting is scheduled with Washington Township at the end of this month in regards to the Library

**Senior Services:**

**Website Committee:**

**Curfew Committee:**

**Pedophile Ordinance Committee:**

**Bid –**

**VOUCHERS AND CLAIMS**

Mayor Van Deursen entertained questions or additions to the vouchers and claims for payment that were not previously addressed before the meeting.

Councilman Turner requested Manager Corica double check the heating oil delivery for the Borough Garage. It seems oil was delivered twice in a two week period.

Hearing no comments or questions the vouchers and claims were approved for payment in the amount of \$1,713,148.07.

Roll Call: Housel, Higgins, Woykowski, Turner, Oakley, Van Deursen, and Cioni.

Ayes: 7, Nays: 0.  
Motion carried.



**OLD BUSINESS:**

**Highlands Council**

Council discussed the possibility of conforming or complying with the Highlands program and what is in the best interest of the Borough. Council asked Manager Corica to reach out to the Highlands Council to confirm when a decision needs to be reached by the Governing Body.

At this time Councilman Housel and Cioni excused themselves from the remainder of the meeting.

**NEW BUSINESS**

**Approval of St. Joseph's Church Raffle Application**

Motion was made by Higgins, seconded by Turner to approve St. Joseph's Raffle Application.

Roll Call: Turner, Higgins, Woykowski – Yes  
Van Deursen, Oakley - Abstain

Ayes: 3, Nays: 0  
Abstain: 2

**Approval of Special ABC Permit St. Joseph's Church – Irish Night**

Motion made by Higgins, seconded by Turner and approved.

Roll Call: Higgins, Turner, and Woykowski. – Yes  
Van Deursen, Oakley - Abstain

Ayes: 3, Nays: 0  
Abstain: 2  
Motion Carried.

**New Jersey State Fire Membership Application Approval – Leilani Albin and Megan Uhl**

Approval was moved on a motion made by Higgins, seconded by Oakley and adopted.

Roll Call: Oakley, Woykowski, Turner, Higgins, and Van Deursen.

Ayes: 5, Nays: 0  
Motion Carried

**Resolutions 43-2008 through 55-2008**

Roll Call: Turner, Woykowski, Higgins, Oakley, and Van Deursen.

Ayes: 5, Nays: 0  
Motion Carried.

**Resolution 43-2008 Authorizing the Borough of Washington to Adopt the National Incident Management System for Departments and Agencies in the Borough.**

**Resolution 43-2008**

**Resolution Authorizing the Borough of Washington, Warren County to Adopt the National Incident Management System (NIMS) for all Departments and Agencies of the Borough, including Volunteer Organizations that Provide the Borough Government Services or Receive Financial or other Borough Support.**

**WHEREAS**, the President of the United States has issued Homeland Security Presidential Directive #5, in which he directs the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), thus providing a unified, nationwide approach for responders from multiple jurisdictions and/or disciplines to effectively work together to respond to natural disasters and emergency incidents; and

**WHEREAS**, the New Jersey Department of Homeland Security has required all counties to adopt NIMS by ordinance or resolution as a condition of eligibility for numerous grant awards and to apply its mandate to all departments and agencies of County government, including volunteer organizations that provide County government services or received financial or other County support; and

**WHEREAS**, the Freeholders are asking that each municipality adopt a resolution mandating that the National Incident Management System (NIMS) be utilized for all incident management in each municipality; and

**WHEREAS**, the Incident Command System components of NIMS are already an integral part of various incident management activities through the State, County, and Local Municipalities; and

**WHEREAS**, it is critical that the Federal, State, County, and Local emergency response organizations utilize the unified standards for terminology and structuring, personnel qualifications, comprehensive resource management and for planning, training and exercising.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Washington, County of Warren, State of New Jersey, that the Borough mandates that the National Incident Management Systems (NIMS) be utilized for all incident management in the Borough of Washington; and

**BE IT FURTHER RESOVED**, the Freeholders of the County of Warren be sent a copy of this Resolution.

**Resolution 44-2008 Authorizing the Mayor and Clerk to sign the Municipal Alliance Contract for 2008**

**RESOLUTION #44-2008**

**A RESOLUTION OF THE BOROUGH OF WASHINGTON  
APPROVING A CONTRACT WITH THE COUNTY OF  
WARREN FOR MUNICIPAL ALLIANCE PROGRAMS  
FOR THE YEAR 2008**

WHEREAS, the County of Warren Board of Freeholders have notified the various communities within the county of available grants for Municipal Alliance purposes; and

WHEREAS, the Borough of Washington is desirous of partaking in the grant opportunities with the County of Warren; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey, hereby approves the contract with the County of Warren for a Municipal Alliance grant in the amount of \$6,320 and that a like sum will be appropriated in the 2008 Municipal Budget and the Mayor and Borough Clerk are hereby authorized to execute the contract agreement.

6. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 45-2008 Authorizing the Issuance of Bond Anticipation Notes not exceeding \$2,038,652.00**

**RESOLUTION 45-2008**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT EXCEEDING  
\$2,038,652 BOND ANTICIPATION NOTES OF THE BOROUGH OF WASHINGTON,  
IN THE COUNTY OF WARREN, NEW JERSEY.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF  
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY,  
AS FOLLOWS:**

Pursuant to a bond ordinance of the Borough of Washington, in the County of Warren (herein called the “local unit”) entitled: “Bond ordinance appropriating \$2,145,950, and authorizing the issuance of \$2,038,652 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 17, 2007 (#7-2007), Bond Anticipation Notes of the local unit in a principal amount not exceeding \$2,038,652 shall be issued for the purpose of temporarily financing the improvement or purpose described in Section 3 of said bond ordinance, including (to any extent necessary) the renewal of any Bond Anticipation Notes heretofore issued therefore.

The following matters in connection with said Bond Anticipation Notes are hereby determined:

*All notes issued hereunder shall mature at such times as may be determined by the chief financial officer or the collector-treasurer of the local unit (the “chief financial officer”), provided that no note issued pursuant to Section 1 hereof shall mature later than (i) one year from the date of the first note issued pursuant to the respective ordinances referred to in said Section, and (ii) three years from the date of the first note issued pursuant to each such respective ordinance unless the local unit shall have paid and retired amounts of such notes sufficient to allow it, in accordance with provisions of Section 40A:2-8 of the Local Bond Law, to renew a portion thereof beyond the third anniversary date of the first of such notes;*

*All notes issued hereunder shall bear interest at such rate or rates as may be determined by the chief financial officer of the local unit; and*

*The notes shall be in the form prescribed by resolution heretofore adopted by the governing body of this local unit determining the form of Bond Anticipation Notes issued*

*pursuant to the Local Bond Law, and any such notes may be signed or sealed by officers of the local unit in any manner permitted by Section 40A:2-25 of said Local Bond Law notwithstanding that said form or resolution may otherwise provide.*

The chief financial officer of the local unit is hereby authorized and directed to determine all matters in connection with said notes not determined by this or a subsequent resolution, and the signature of the chief financial officer upon said notes shall be conclusive as to such determinations.

The chief financial officer of the local unit is hereby authorized to sell said Bond Anticipation Notes from time to time at public or private sale in such amounts as the chief financial officer may determine at not less than par and to deliver the same from time to time to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof and payment therefore.

Any instrument issued pursuant to this resolution shall be a general obligation of the local unit, and the local unit's faith and credit are hereby pledged to the punctual payment of the principal of and interest on said obligations and, unless otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget and a tax sufficient to provide for the payment thereof shall be levied and collected.

The chief financial officer of the local unit is authorized and directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of notes pursuant to this resolution is made, such report to include the amount, description, interest rate and maturity of the notes sold, the price obtained and the name of the purchaser.

The chief financial officer of the local unit is hereby authorized and directed to do all other matters necessary, useful, convenient or desirable to accomplish the delivery of said

notes to the purchasers thereof as promptly as possible, including (i) the preparation, execution and dissemination of a Preliminary Official Statement and Final Official Statement with respect to said notes, (ii) preparation, distribution and publication, if necessary, of a Notice of Sale with respect to said notes, (iii) execution of a Continuing Disclosure Undertaking, with respect to said notes in accordance with Rule 15c2-12 promulgated by the Securities and Exchange Commission and (iv) execution of an arbitrage and use of proceeds certificate certifying that, among other things, the local unit, to the extent it is empowered and allowed under applicable law, will do and perform all acts and things necessary or desirable to assure that interest paid on said notes is not included in gross income under Section 103 of the Internal Revenue Code of 1986, as amended.

This resolution shall take effect immediately.

**Resolution 46-2008 Providing for the Combination of Certain Issues of Bonds of the Borough of Washington, into a Single Issue of General Bonds Aggregating \$5,590,000 in Principle Amount**

**Resolution 46-2008**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, INTO A SINGLE ISSUE OF GENERAL BONDS AGGREGATING \$5,590,000 IN PRINCIPAL AMOUNT.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Section 1. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one

issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit described in Section 2 hereof, authorized pursuant to bond ordinances of the local unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$5,590,000.

Section 2. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances are respectively as follows:

<u>Principal Amount of Bonds</u>	<u>Title of Ordinance and Date of Adoption</u>	<u>Period or Average Period of Usefulness (in Years)</u>
\$172,649 bonds	“Bond ordinance appropriating \$218,000, and authorizing the issuance of \$207,100 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 17, 2001 (#06-2001).	22
\$254,132 bonds	“Bond ordinance appropriating \$295,000 and authorizing the issuance of \$280,800 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted June 4, 2002 (#10-2002).	28
\$69,472 bonds	“Bond ordinance making a further supplemental appropriation of \$150,000 for the construction of sidewalks along North Prospect Street in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey and authorizing the issuance of \$100,000 bonds or notes of the Borough for financing such supplemental	10



	appropriation”, finally adopted on June 4, 2002 (#11-2002).	
\$60,884 bonds	“Bond ordinance making a further supplemental appropriation of \$95,000 for improvement of Myrtle Avenue in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$90,400 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted June 4, 2002 (#12-2002).	10
\$44,805 bonds	“Bond ordinance making a further supplemental appropriation of \$60,000 for the improvement of Myrtle Avenue in and by the Borough heretofore authorized to be taken by the Borough of Washington, in the County of Warren, New Jersey and authorizing the issuance of \$57,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted September 3, 2002 (#23-2002).	10
\$271,261 bonds	“Bond ordinance appropriating \$331,600 and authorizing the issuance of \$284,495 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted November 3, 2003 (#14-2003).	22.94
\$133,562 bonds	“Bond ordinance appropriating \$151,245, and authorizing the issuance of \$134,000 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on July 6, 2004 (#11-2004).	9.7
\$226,135 bonds	“Bond ordinance providing for the improvement of Washington Avenue in and by the Borough of Washington, in the County of Warren, New Jersey	10

	appropriating \$1,350,000 therefore, and authorizing the issuance of \$1,333,100 bonds or notes of the Borough for financing such appropriation”, finally adopted on February 15, 2005 (#1-2005).	
\$2,734,500 bonds	“Bond ordinance appropriating \$2,871,250 and authorizing the issuance of \$2,734,500 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted July 5, 2005 (#8-2005).	14.7
\$1,622,600 bonds	“Bond ordinance appropriating \$1,823,765, and authorizing the issuance of \$1,622,600 bonds or notes of the Borough, for various improvements or purposes authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey”, finally adopted on April 18, 2006 (#7-2006).	11.08

Section 3. The following matters are hereby determined with respect to said combined issue of bonds:

(a) The average period of usefulness, taking into consideration the respective amounts of obligations presently authorized to be issued pursuant to each of said bond ordinances, respectively, is fourteen (14) years.

(b) The bonds of said combined issue shall be designated “General Bonds of 2008” and shall mature within the said average period of usefulness hereinabove determined.

(c) The bonds of said combined issue shall be sold and issued in accordance with the provisions of said Local Bond Law applicable to the sale and issue of a single issue of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the bonds of the several issues of bonds described in Section 2 hereof has been heretofore sold or issued and the several bond ordinances described in Section 2 hereof have not heretofore been rescinded and now remain in full force and effect as authorizations for the amount of bonds set forth opposite the title of the several bond ordinances described in said Section 2 hereof.

(b) No bonds are authorized by any of the bond ordinances described in Section 2 hereof, except bonds in the amount set opposite the title of said bond ordinances in Section 2 hereof and \$1,195 Ordinance No. 23-02.

(c) The several purposes for the financing of which the bonds described in Section 2 hereof have been authorized to be issued pursuant to the respective bond ordinances described in Section 2 hereof are purposes for which bonds of this local unit may lawfully be issued pursuant to said Local Bond Law and are not purposes for which a deduction may be taken in any annual or supplemental debt statement of the local unit.

Section 5. This resolution shall take effect immediately.

**Resolution 47-2008 Providing for the Combination of Certain Issues of Bonds into a Single Issue of Sewer Bonds Aggregating \$728,000.00.**

**Resolution 47-2008**

**RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF BONDS OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, INTO A SINGLE ISSUE OF SEWER BONDS AGGREGATING \$728,000 IN PRINCIPAL AMOUNT.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF  
THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY,  
AS FOLLOWS:**

Section 1. Pursuant to the provisions of Section 40A:2-26 of the Local Bond Law of New Jersey, particularly paragraph (f) thereof and in lieu of the sale of more than one issue of bonds as provided for in said Local Bond Law, the several issues of bonds of this local unit described in Section 2 hereof, authorized pursuant to bond ordinances of the local unit heretofore adopted, shall be combined into a single and combined issue of bonds in the principal amount of \$728,000.

Section 2. The principal amount of the bonds of the several issues of bonds to be combined into a single issue as above provided, the bond ordinance authorizing each of said several issues described by reference to its title and date of adoption, and the period or average period of usefulness determined in each of said bond ordinances (as adjusted to give effect to pay downs and portions of years) are respectively as follows:

<u>Principal Amount of Bonds</u>	<u>Title of Ordinance and Date of Adoption</u>	<u>Period or Average Period of Usefulness (in Years)</u>
\$691,000 bonds	“Bond ordinance making a further supplemental appropriation of \$13,300,000 for improvement of the wastewater treatment plant in and by the Borough heretofore authorized to be undertaken by the Borough of Washington, in the County of Warren, New Jersey, and authorizing the issuance of \$13,300,000 bonds or notes of the Borough for financing such supplemental appropriation”, finally adopted on June 17, 1997 (#6-1997).	40
\$37,000 bonds	“Bond ordinance providing for the	40

improvement of the sanitary sewerage system in and by the Borough of Washington, in the County of Warren, New Jersey, appropriating \$40,000 therefore and authorizing the issuance of \$40,000 bonds or notes of the Borough for financing such appropriation”, finally adopted on July 6, 2004 (#10-2004).

Section 3. The following matters are hereby determined with respect to said combined issue of bonds:

(a) The average period of usefulness, taking into consideration the respective amounts of obligations presently authorized to be issued pursuant to each of said bond ordinances, respectively, is forty (40) years.

(b) The bonds of said combined issue shall be designated “Sewer Bonds of 2008” and shall mature within the said average period of usefulness hereinabove determined.

(c) The bonds of said combined issue shall be sold and issued in accordance with the provisions of said Local Bond Law applicable to the sale and issue of a single issue of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

(a) None of the bonds of the several issues of bonds described in Section 2 hereof has been heretofore sold or issued and the several bond ordinances described in Section 2 hereof have not heretofore been rescinded and now remain in full force and effect as authorizations for the amount of bonds set forth opposite the title of the several bond ordinances described in said Section 2 hereof and no bonds have heretofore been issued under the several bond ordinances described in Section 2 hereof.

(b) No bonds are authorized by any of the bond ordinances described in Section 2 hereof, except bonds in the amount set opposite the title of said bond ordinances in Section 2 hereof and \$328 Ordinance No. 6-97 and \$500 Ordinance No. 10-04.

(c) The several purposes for the financing of which the bonds described in Section 2 hereof have been authorized to be issued pursuant to the respective bond ordinances described in Section 2 hereof are purposes for which bonds of this local unit may lawfully be issued pursuant to said Local Bond Law and are purposes for which a deduction may be taken in any annual or supplemental debt statement of the local unit.

Section 5. This resolution shall take effect immediately.

**Resolution 48-2008 To Determine the Form and Other Details of \$5,590,000 General of 2008 and \$728,000 Sewer Bonds of 2008 and Providing for their Sale.**

**Resolution 48-2008**

**RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF \$5,590,000 GENERAL BONDS OF 2008 AND \$728,000 SEWER BONDS OF 2008 OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AND PROVIDING FOR THEIR SALE.**

**BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE BOROUGH OF WASHINGTON, IN THE COUNTY OF WARREN, NEW JERSEY, AS FOLLOWS:**

Terms of Bonds. The \$5,590,000 General Bonds of 2008 (the “General Bonds”) of the Borough of Washington, in the County of Warren, New Jersey (the “Borough”), referred to and described in the resolution adopted pursuant to the Local Bond Law of the State of New Jersey, by the Mayor and Common Council of the Borough on February 6, 2008, entitled

“Resolution providing for the combination of certain issues of bonds of the Borough of Washington, in the County of Warren, New Jersey, into a single issue of General Bonds aggregating \$5,590,000 in principal amount” and authorized by certain bond ordinances of the Borough therein described, shall be dated the date of delivery thereof, shall bear interest payable semi-annually on March 1 and September 1 in each year, commencing September 1, 2008, expressed in a multiple of 1/8 or 1/20 of 1%, shall mature (subject to the option of the successful bidder to establish term bonds in accordance with the provisions of the notice of sale) in the principal amount of \$100,000 on March 1, 2009, \$110,000 on March 1 in each of the years 2010 and 2011, \$125,000 on March 1, 2012, \$140,000 on March 1, 2013, \$150,000 on March 1, 2014, \$175,000 on March 1, 2015, \$200,000 on March 1, 2016, \$540,000 on March 1, 2017, \$640,000 on March 1, 2018, \$750,000 on March 1, 2019, and \$850,000 on March 1 in each of the years 2020 to 2022, both inclusive, and shall each bear a distinctive number to distinguish if from all other General Bonds of said issue. The \$728,000 Sewer Bonds of 2008 (the “Sewer Bonds” and, together with the General Bonds, the “Bonds”) of the Borough referred to and described in the resolution adopted pursuant to the Local Bond Law of the State of New Jersey, by the Mayor and Common Council of the Borough on February 6, 2008, entitled “Resolution providing for the combination of certain issues of bonds of the Borough of Washington, in the County of Warren, New Jersey, into a single issue of Sewer Bonds aggregating to \$728,000 in principal amount” and authorized by certain bond ordinances the Borough therein described, shall be dated the date of delivery thereof, shall bear interest payable semi-annually on March 1 and September 1 in each year, commencing September 1, 2008, expressed in a multiple of 1/8 or 1/20 of 1%, shall mature (subject to the option of the successful bidder to establish term bonds in accordance with the provisions of the notice of sale) in the principal amount of \$45,000 on March 1 in each of the

years 2009 and 2010, \$80,000 on March 1 in each of the years 2012 to 2017, both inclusive, and \$78,000 on March 1, 2018, and shall each bear a distinctive number to distinguish it from all other Sewer Bonds of said issue.

Book-Entry-Only Bonds. The Bonds shall be issued by means of a book-entry system with no physical distribution of bond certificates made to the public. The Bonds shall be issued in registered form and bond certificates for each maturity of each series will be issued to The Depository Trust Company, New York, New York (“DTC”), registered in the name of its nominee Cede & Co., and immobilized in its custody. A book-entry system will be employed, evidencing ownership of the Bonds in principal amount of \$5,000 or any \$1,000 increment in excess thereof, with transfers of ownership affected on the records of DTC and its participants pursuant to rules and procedures adopted by DTC and its participants. The successful bidder, as a condition to the delivery of the Bonds, will be required to deposit the bond certificates with DTC, registered in the name of Cede & Co. So long as Cede & Co. is the registered owner of the Bonds, principal and redemption price, if any, of and interest on the Bonds will be payable by the Borough or its agent to DTC or its nominee as registered owner of the Bonds. The Bonds shall be executed in the name of the Borough by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, under the seal of the Borough affixed, imprinted or otherwise reproduced thereon and attested by the manual signature of its Borough Clerk.

Redemption. The Bonds maturing prior to March 1, 2019 are not subject to redemption prior to maturity at the option of the Borough. The Bonds maturing on or after March 1, 2019 are subject to redemption prior to maturity at the option of the Borough upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the Bonds of such maturity are to be redeemed, on any date on or after



March 1, 2018, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption. Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the Bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of Bonds. If notice of redemption shall have been given as aforesaid, the Bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the Bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such Bonds shall cease to accrue and become payable. Less than all of a Bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charge therefore, for the unredeemed balance of the principal amount of such Bond, Bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

Form of Bonds. The Bonds shall be in substantially the following forms with such changes and modifications as may be required, necessary, convenient or desirable for delivery thereof (including the inclusion of mandatory sinking fund provisions if term Bonds are specified by the successful bidder):

**UNITED STATES OF AMERICA  
STATE OF NEW JERSEY  
COUNTY OF WARREN**

**BOROUGH OF WASHINGTON**

**GENERAL BOND OF 2008**

**Number:** R-G  
**Registered Owner:** Cede & Co  
**Principal Amount:** \$ \_\_\_\_\_  
**Dated Date:** March 12, 2008  
**Interest Rate:** \_\_\_\_\_ %  
**Maturity Date:** March 1, \_\_\_\_\_  
**CUSIP Number:** \_\_\_\_\_

The **BOROUGH OF WASHINGTON** (the “Borough”), a municipal corporation of the State of New Jersey, situate in the County of Warren, hereby acknowledges itself indebted and for value received promises to pay to the above-stated Registered Owner or registered assigns, the above-stated Principal Amount on the above-stated Maturity Date upon presentation and surrender of this bond, and to pay to the registered owner hereof interest on such sum, from the date of this bond until it matures or is redeemed, at the above-stated Interest Rate per annum payable September 1, 2008 and semi-annually thereafter on March 1 and September 1 in each year. Principal or redemption price, if any, of this bond will be paid in lawful money of the United States of America at the office of the Chief Financial Officer, Municipal Building, 100 Belvidere Avenue, Washington, New Jersey. Interest on this bond will be payable by check or draft mailed to the registered owner hereof whose name appears on the registration books of the Borough on February 15 and August 15 next preceding each interest payment date.

This bond is transferable only upon the books of the Borough kept for that purpose at the office of the Chief Financial Officer, Municipal Building, 100 Belvidere Avenue, Washington, New Jersey (the “Transfer Agent”), by the registered owner hereof in person or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or such duly authorized attorney, and thereupon the Borough shall issue in the name of the transferee a new bond or bonds of the same aggregate principal amount and series, designation, maturity and interest rate as the surrendered bond. The Borough, the Transfer Agent and any paying agent of the Borough may treat and consider the person in whose name this bond is registered as the holder and absolute owner hereof for the purpose of receiving payment of, or on account of, the principal and interest due hereon and for all other purposes whatsoever.

This bond is one of an authorized issue of bonds and is issued pursuant to the Local Bond Law of the State of New Jersey, and as provided by resolution of the Mayor and Common Council of the Borough, entitled: "Resolution providing for the combination of certain issues of bonds of the Borough of Washington, in the County of Warren, New Jersey, into a single issue of General Bonds aggregating \$5,590,000 in principal amount", adopted on February 6, 2008 and the bond ordinances referred to therein.

The bonds maturing prior to March 1, 2019, are not subject to redemption prior to maturity at the option of the Borough. The bonds maturing on or after March 1, 2019, are subject to redemption prior to maturity at the option of the Borough upon notice as described below in whole or in part, in any order of maturity and by lot within a maturity if less than all the bonds of such maturity are to be redeemed, on any date on or after March 1, 2018, at a redemption price equal to 100% of the principal amount thereof, together with interest accrued, if any, to the date fixed for redemption.

Notice of redemption shall be given by first-class mail, postage prepaid, to the registered owners of the bonds or portions thereof to be redeemed, not less than thirty (30) days nor more than sixty (60) days prior to the redemption date, but such mailing shall not be a condition precedent to such redemption and failure so to mail any such notice shall not affect the validity of any proceedings for the redemption of bonds. If notice of redemption shall have been given as aforesaid, the bonds or portions thereof specified in said notice shall become due and payable at the redemption price on the redemption date therein designated and if, on the redemption date, moneys for payment of the redemption price of all the bonds to be redeemed, together with interest to the redemption date, shall be available for such payment on said date, then from and after the redemption date interest on such bonds shall cease to accrue and become payable. Less than all of a bond in a denomination in excess of \$5,000 may be so redeemed, and in such case, upon the surrender of such bond, there shall be issued to the registered owner thereof, without charge therefore, for the unredeemed balance of the principal amount of such bond, bonds of like series, designation, maturity and interest rate in any of the authorized denominations.

The full faith and credit of the Borough are hereby irrevocably pledged for the punctual payment of the principal or redemption price, if any, and interest on this bond according to its terms.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of New Jersey to exist, to have happened or to have been performed precedent to or in the issuance of this bond exist, have happened and have been performed, and that the issue of bonds of which this is one does not exceed any limitation imposed thereon by said Constitution or statutes.

**IN WITNESS WHEREOF**, the **BOROUGH OF WASHINGTON** has caused this bond to be executed in its name by the manual or facsimile signatures of its Mayor and its Chief Financial Officer, and its corporate seal to be affixed, imprinted or reproduced hereon, and this bond and said seal to be attested by the manual signature of its Borough Clerk and this bond to be dated the above-stated Dated Date.

**Resolution 49-2008 Void Stale Dated Check**

**RESOLUTION #49-2008**

**A RESOLUTION TO VOID A STALE DATED CHECK**

**WHEREAS**, check #050870 was written 5/02/07 on Washington Borough's Operating Fund # 8102360230 in the amount of \$45.00 and made payable to the Estate of Betty Dodge c/o Scott Reed, 198 Winona Lakes, East Stroudsburg, PA 18301; and

**WHEREAS**, the Treasurer's office was made aware that this check has been judged to be stale-dated; and

**WHEREAS**, a written notification was sent from the Treasurer's office to the recipient of the check and received no response; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to void check #050870.

**Resolution 50-2008 Void Stale Dated Check**

**RESOLUTION #50-2008**

**A RESOLUTION TO VOID A STALE DATED CHECK**

**WHEREAS**, check #050804 was written 4/18/07 on Washington Borough's Operating Fund # 8102360230 in the amount of \$15.00 and made payable to James Allen, 1 Hillcrest Ave., Washington, NJ 07882; and

**WHEREAS**, the Treasurer's office was made aware that this check has been judged to be stale-dated; and

**WHEREAS**, a written notification was sent from the Treasurer's office to the recipient of the check and received no response; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the Borough Treasurer is authorized to void check #050804.

**Resolution 53-2008 Appointing Engineer without Seeking Competitive Bid – Pleasant Valley Mill Dam**

**RESOLUTION # 53-2008**

**A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services for inspection and repairs of the Pleasant Valley Mill Dam; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Engineer and has agreed to perform professional engineering services, as outlined in their proposal for the Pleasant Valley Mill Dam dated 18 January 2008 in an amount not to exceed \$9,000; and

WHEREAS, the services to be provided by, Suburban Consulting Engineers constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Suburban Consulting Engineers to provide engineering services for inspection and repairs to the Pleasant Valley Mill Dam per the proposal submitted on 18 January 2008 and annexed hereto in an amount not to exceed \$9,000;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 54-2008 Appointing Engineer without Seeking Competitive Bid – Borough Garage and Salt Shed**

RESOLUTION # 54-2008

**A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services for design, survey administration and construction oversight of site work and utilities for the public works garage and salt storage shed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Engineer and has agreed to perform professional engineering services, as outlined in their proposal for the DPW Garage and Salt Shed – Utilities and Site Work dated 18 January 2008 in an amount not to exceed \$40,250; and

WHEREAS, the services to be provided by, Suburban Consulting Engineers constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Suburban Consulting Engineers to provide engineering services for the public works garage and salt storage shed site work and utilities per the proposal submitted on 18 January 2008 and annexed hereto in an amount not to exceed \$40,250;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 55-2008 – Appointing Engineer without Seeking Competitive Bid – Borough Garage and Salt Shed – Construction Oversight**

RESOLUTION # 55-2008

**A RESOLUTION APPOINTING AN ENGINEER AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional engineering services for construction oversight for the public works garage and salt storage shed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, Suburban Consulting Engineers of Mount Arlington, New Jersey serves as the Borough Engineer and has agreed to perform professional engineering services, as outlined in their proposal for the Public Works Garage and Salt Shed Pre-Construction and Construction Phases dated 18 January 2008 in an amount not to exceed \$74,750; and

WHEREAS, the services to be provided by, Suburban Consulting Engineers constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Suburban Consulting Engineers to provide engineering services for the public works garage and salt storage shed construction oversight per the proposal submitted on 18 January 2008 and annexed hereto in an amount not to exceed \$74,750;
2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 56-2008 Appointing Administrator for the Small Cities Grant Project to Benefit Warren Arc**

Resolution 56-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

Roll Call: Higgins, Turner, Oakley, Woykowski, and Van Deursen.

Ayes: 5, Nays: 0  
Motion Carried

RESOLUTION # 56 - 2008

**A RESOLUTION APPOINTING AN ADMINISTRATOR FOR THE  
SMALL CITIES GRANT PROJECT AS A PROFESSIONAL SERVICE  
WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, the Borough has been awarded a Small Cities Community Development Block Grant to benefit the Warren ARC; and

WHEREAS, there exists a need for Administrative services to oversee the grant project and to co-ordinate the professionals, contractors and bidding requirements; and

WHEREAS, the Warren ARC has considered several administrators recommended by the Small Cities Grant program personnel and has recommended the appointment of Carol Hertweck-Lowy of the Housing and Community Development Services, Inc.; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, the Housing and Community Development Services, Inc. of South Orange, New Jersey has agreed to perform the administrative services required by the grant agreement as outlined in their proposal dated 24 January 2008 in an amount not to exceed \$16,000; and

WHEREAS, the services to be provided by, Housing and Community Development Services constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with Housing and Community Development Services to provide administrative services for the Small Cities Grant project for the Warren ARC per the proposal submitted on 24 January 2008 and annexed hereto in an amount not to exceed \$16,000;
2. That said contract is awarded without competitive bidding as professional services



- in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
  4. Notification of the contract award shall be printed in the Star Gazette.
  5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 57-2008 Appointing Legal Counsel for Brownfield Rehabilitation**

Resolution 57-2008 was moved on a motion made by Woykowski, seconded by Turner and adopted.

Roll Call: Woykowski, Turner, Higgins, Oakley, and Van Deursen.

Ayes: 5, Nays: 0  
Motion Carried

RESOLUTION # 57 - 2008

**A RESOLUTION APPOINTING A SPECIAL LEGAL COUNSEL AS A PROFESSIONAL SERVICE WITHOUT SEEKING COMPETITIVE BIDS.**

WHEREAS, there exists a need for professional legal services for redevelopment and Brownfield rehabilitation; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A: 11-1 et. seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised; and

WHEREAS, McManimon & Scotland of Newark, New Jersey has been appointed as Special Counsel by the Borough and have agreed to perform professional legal services, as outlined in their proposal for Initial Redevelopment / Development Projects dated 17 January 2008 in an amount not to exceed \$20,000; and

WHEREAS, the services to be provided by, McManimon & Scotland constitutes professional services that need not be bid pursuant to the Public Contract Law (N.J.S.A. 40A: 11-1 et. seq.).

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey as follows:

1. The Mayor and Clerk are hereby authorized and directed to enter into a contract with McManimon & Scotland to provide legal services for redevelopment and Brownfield rehabilitation per the proposal submitted on 17 January 2008 and annexed hereto in an amount not to exceed \$20,000;

2. That said contract is awarded without competitive bidding as professional services in accordance with N.J.S.A. 40A: 11-5; and
3. A certification of funds by the Chief Financial Officer is attached hereto;
4. Notification of the contract award shall be printed in the Star Gazette.
5. That an executed copy of the contract between the parties be on file with the Office of the Clerk and be available for public inspection in accordance with the law.

**Resolution 58-2008 Transfer of Reserve Appropriations**

Resolution 58-2008 was moved on a motion made by Turner, seconded by Oakley and adopted.

Roll Call: Turner, Oakley, Woykowski, Higgins, and Van Deursen.

Ayes: 5, Nays: 0  
Motion Carried

**RESOLUTION 58-2008**  
**A RESOLUTION AUTHORIZING THE TRANSFER OF RESERVE**  
**APPROPRIATIONS**

**WHEREAS**, various 2007 bills have been presented for payment this year, which bills were not covered by purchase orders and/or encumbered at the time of appropriation transfers between 2007 budget accounts during the last two months of 2007; and

**WHEREAS**, NJSA 40A: 4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments, and contracts incurred during the preceding fiscal year, and allow transfers to be made by not less than 2/3 vote of the full membership of the governing body from unexpended balances which are expected to be sufficient to accounts with insufficient appropriation balances during the first three months of the year; and

**WHEREAS**, the Borough Manager and Chief Financial Officer have determined that excess appropriations do exist in some accounts and there is a need for supplemental appropriations in other accounts.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Washington, in the County of Warren, State of New Jersey that the following appropriation transfers are hereby approved:

Transfer From	Transfer To	Amount
Police Department Salary and Wages	Fire Department Other Expenses	\$460.00

**Resolution 59-2008 Pool Improvement Change Order**

Resolution 59-2008 was moved on a motion made by Turner, seconded by Woykowski and adopted.

Roll Call: Turner, Woykowski, Oakley, Van Deursen – Yes  
Higgins – Abstain

Ayes: 4, Nays: 0  
Abstain: 1  
Motion Carried

**RESOLUTION 59-2008**  
**RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF**  
**WASHINGTON WARREN COUNTY NEWJERSY**

**WHEREAS**, the Borough of Washington is making improvements to the municipal pool;  
and

**WHEREAS**, from time to time during the construction process, various field changes and adjustments are necessary; and

**WHEREAS**, the Recreation Commission and the project engineer, T and M Associates have recommended the following Change Order # 2:

*Install 3 permanent life guard stands and 6 permanent starter blocks in the concrete decking around the pool in the amount of \$35,648.05; and*

**WHEREAS**, the original contract was issued in the amount of \$348,000 to CFM Construction; and

**WHEREAS**, previous change orders and this change order total \$35,648.05, which is than 20% of the original price; and

**WHEREAS**, the Mayor and Council of the Borough of Washington wish to accept the change order for this work as it is in the best interest of the Borough of Washington. A Certification of Available Funds is attached and made part of this Resolution.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that Change Order #2 is approved and authorize the Borough Manager to execute the change orders on behalf of Washington Borough.

## **COUNCIL REMARKS**

Council agreed to give Councilman Higgins a copy of the correspondence from the Borough Attorney distributed at the January 29, 2008 budget meeting.

Councilman Higgins requested a resolution be adopted by the governing body honoring the Firemen, Police, and Emergency Services workers who were first on the scene and on the roof during the St. Cloud Fire.

## **EXECUTIVE SESSION**

### **Resolution 60-2008 Executive Session**

#### **RESOLUTION 60-2008**

**WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting under certain circumstances; and**

**WHEREAS, this public body is of the opinion that such circumstances presently exist.**

**NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Washington, in the County of Warren and State of New Jersey as follows:**

- 1. The public shall be excluded from the remaining portion of this meeting.**
- 2. The general nature of the subject matter to be discussed is as follows:**

Contracts

Hearing no further business to come before Council, it was moved by Higgins, seconded by Turner that the meeting be adjourned at 11:15 p.m.

Ayes: 5, Nays: 0.  
Motion carried.

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Mayor Marianne Van Deursen

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Kristine Blanchard, RMC Borough Clerk

